

AMENDED IN ASSEMBLY SEPTEMBER 4, 2009

AMENDED IN ASSEMBLY AUGUST 31, 2009

AMENDED IN ASSEMBLY JUNE 28, 2009

AMENDED IN ASSEMBLY JUNE 16, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

Assembly Constitutional Amendment

No. 13

**Introduced by Assembly Member Hernandez
(~~Coauthor: Assembly Member Adams~~)**

February 27, 2009

Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article II thereof, relating to initiatives.

LEGISLATIVE COUNSEL’S DIGEST

ACA 13, as amended, Hernandez. Initiatives.

The California Constitution provides voters, through the initiative, the power to propose statutes and constitutional amendments and to adopt or reject them. An initiative measure may be proposed by presenting the Secretary of State a certified petition signed by electors equal in number to 5% in the case of a proposed statute, and 8% in the case of a proposed constitutional amendment, of the votes for all candidates for Governor at the last gubernatorial election. The Secretary of State is required to submit an initiative measure at the next general election held at least 131 days after it qualifies or at a special statewide election held prior to that general election.

This measure would require the Secretary of State, upon being presented with a petition for an initiative measure, to immediately transmit the initiative measure to the Legislature. Upon transmittal to the Legislature, the initiative measure would be assigned to the appropriate committees of each house for analysis and public hearings.

This measure would provide that if an initiative measure transmitted to the Legislature, or a part of the measure, proposes an amendment to the Constitution, the Legislature may, by concurrent resolution, amend the part of the measure that proposes an amendment to the Constitution. If the proponent or a majority of the proponents of the initiative measure accept the amendments of the Legislature, the Legislature may return the measure, as amended, to the Secretary of State.

This measure would provide that if an initiative measure transmitted to the Legislature, or a part of the measure, proposes a statute, that part of the initiative measure that proposes a statute may be introduced in the Legislature as a bill. The measure would further provide that if the bill is enacted as a statute and the proponent or a majority of the proponents of the initiative measure accept the bill as enacted, the part of the initiative measure that proposes a statute would not be submitted to the electors.

This measure would require the Legislature's return of a certified initiative measure to the Secretary of State within 30 legislative session days, as defined, or it would be deemed to have been returned in the same form as originally submitted by the proponents. The bill would require that a returned initiative measure that is certified, including any amendment by the Legislature to constitutional provisions that is accepted by proponents, be submitted at the next general election that is at least 131 days after the date it is returned or at any special statewide election held prior to that general election.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

- 1 *Resolved by the Assembly, the Senate concurring,* That the
- 2 Legislature of the State of California at its 2009–10 Regular
- 3 Session commencing on the first day of December 2008, two-thirds
- 4 of the membership of each house concurring, hereby proposes to
- 5 the people of the State of California that the Constitution of the
- 6 State be amended as follows:
- 7 That Section 8 of Article II thereof is amended to read:

1 SEC. 8. (a) The initiative is the power of the electors to
2 propose statutes and amendments to the Constitution and to adopt
3 or reject them.

4 (b) An initiative measure may be proposed by presenting to the
5 Secretary of State a petition that sets forth the text of the proposed
6 statute or amendment to the Constitution and is certified to have
7 been signed by electors equal in number to 5 percent in the case
8 of a statute, and 8 percent in the case of an amendment to the
9 Constitution, of the votes for all candidates for Governor at the
10 last gubernatorial election.

11 (c) Upon presentation of a petition to the Secretary of State
12 pursuant to subdivision (b), the Secretary of State immediately
13 shall transmit the initiative measure to the Legislature prior to
14 certification of the signatures of electors. The measure shall be
15 assigned to the appropriate committees in the Senate and Assembly
16 for analysis. Within 20 legislative session days after transmittal
17 of the measure to the Legislature, the appropriate committees of
18 the Senate and Assembly shall commence joint public hearings
19 on the subject of the measure.

20 (d) If an initiative measure transmitted to the Legislature
21 pursuant to subdivision (c), or a part of that measure, proposes an
22 amendment to the Constitution, the Legislature may, by concurrent
23 resolution, amend the part of the measure that proposes an
24 amendment to the Constitution. If the proponent, or a majority of
25 the proponents, if applicable, of the measure accept the
26 amendments of the Legislature, and so inform the Secretary of
27 State, the Legislature may return the initiative measure, as
28 amended, to the Secretary of State pursuant to subdivision (f).

29 (e) If an initiative measure transmitted to the Legislature
30 pursuant to subdivision (c), or a part of that measure, proposes a
31 statute, the part of the measure that proposes a statute may be
32 introduced in the Legislature as a bill. If the bill, including any
33 amendments adopted by the Legislature, is enacted as a statute
34 and the proponent, or a majority of the proponents, if applicable,
35 of the initiative measure accept the bill as enacted, and so inform
36 the Secretary of State, the part of the initiative measure that
37 proposes a statute shall not be submitted to the electors.

38 (f) The Legislature shall return an initiative measure, except as
39 provided in subdivision (e), to the Secretary of State within 30
40 legislative session days after the measure is transmitted to the

1 Legislature. If the measure is not returned within 30 legislative
2 session days, it shall be deemed to have been returned in the same
3 form as it was initially presented to the Secretary of State. Except
4 as provided in subdivision (e), the Secretary of State shall submit
5 a returned measure that is certified pursuant to subdivision (b),
6 including any accepted amendments, at the next general election
7 held at least 131 days after it is returned to the Secretary of State
8 or at any special statewide election held prior to that general
9 election. The Governor may call a special statewide election for
10 the measure.

11 (g) An initiative measure embracing more than one subject may
12 not be submitted to the electors or have any effect.

13 (h) An initiative measure may not include or exclude any
14 political subdivision of the State from the application or effect of
15 its provisions based upon *the* approval or disapproval of the
16 initiative measure, or based upon the casting of a specified
17 percentage of votes in favor of the measure, by the electors of that
18 political subdivision.

19 (i) An initiative measure may not contain alternative or
20 cumulative provisions wherein one or more of those provisions
21 would become law depending upon the casting of a specified
22 percentage of votes for or against the measure.

23 (j) For purposes of this section, “legislative session day” means
24 a day on which the Members of both houses of the Legislature are
25 required to be in Sacramento to attend a session of the Legislature.

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28 **CORRECTIONS:** _____

29 **Text—Page 3.**
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